
Appeal Decision

Site visit made on 8 July 2022

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 July 2022

Appeal Ref: APP/H4505/Z/22/3296601
569 Sunderland Road, Gateshead NE10 0AR

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Wildstone Estates Limited against the decision of Gateshead Council.
 - The application Ref DC/21/01363/ADV, dated 7 October 2021, was refused by notice dated 21 February 2022.
 - The advertisement proposed is described as the upgrade of existing advert to support a digital poster.
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Decision

1. The appeal is dismissed.

Main Issue

2. Subject to the imposition of conditions, the Council raise no objection to the proposal in respect of matters of public safety. I have no reason to disagree.
3. The point of contention between the main parties, and hence the main issue, relates to the effect of the proposal on the amenity of the area including the appeal property itself, which is a non-designated heritage asset, and the living conditions of the occupiers of Nos 4, 4A, 6, 7, 8 & 9 Clayton Terrace in respect of light pollution and disturbance.

Reasons

Amenity – character and appearance of the appeal building and area

4. The appeal property is currently a restaurant but was previously the Pear Tree Inn. It is locally listed and hence a non-designated heritage asset. The Council's local list factsheet describes the significance of the listed building as a late 18th or early 19th century public house with a manicured appearance and a strong horizontal emphasis with traditional timber casement with multipaned lights, a deep panelled stall riser and heavy cornice supported on a profusion of ornamental scroll brackets. It also refers to the low pitch of the slate roof that adds to the linear effect of the building.
5. The evidence is that the gable elevation of the building has had a paper and paste billboard since at least 2009, although it is not entirely clear if it has been removed periodically between then and now. In other words, I cannot be certain if a paper and paste billboard on the gable elevation of the non-designated heritage asset is lawful owing to the passage of time.

6. The proposed digital poster advertisement would also be located on the gable elevation of the building. It would be similar in size to the poster advertisements that have been positioned on the gable elevation of the building since at least 2009. However, it would be different in so far that it would have an internally illuminated screen with static digital images which would change intermittently and no more than once every ten seconds.
7. In addition, the advertisement would in relative terms be positioned at a higher level on the gable elevation such that it would read more as a first floor gable advertisement. It would be tight up against an existing oval advertisement that reads 'Saji's Halal Punjabi Cuisine'. Like the paper and paste billboard that has been on the gable elevation since at least 2009, the proposed advertisement would be wider than the width of the gable elevation on which it would be positioned.
8. While it might be the case that there is a lawful position in respect of the provision of a paper and paste billboard on the gable elevation of this building, I find that the proposed internally illuminated digital advertisement with interchangeable image, would draw unacceptable and harmful attention to a form of advertisement that would look materially out of place in this prominent location.
9. The advertisement would be disproportionately large within the context of the gable elevation of the non-designated heritage asset. Owing to its high level position, width and location squeezed up against the existing oval sign, I find that it would be seen by passers-by as a cluttered, dominant and disproportionate form of advertisement. These harmful impacts would be particularly apparent when approaching the site from the east.
10. I appreciate that there are some advertisements in the area that are illuminated. However, there are no illuminated advertisements in the very immediate area that are as large as that being proposed or with changing digital imagery. In this case, the proposal would be harmful to the appeal building in design terms and would introduce a form of advertisement that is not prevalent in the very immediate locality.
11. The significance of the non-designated heritage asset relates essentially to its front elevation and roof and not to its gable elevations. However, the provision of a disproportionately large digital advertisement would have the effect of unacceptably competing and jarring with the simplicity and regularity of the architectural detailing on the host building when seen within the street-scene. In other words, I consider that the significance of the locally listed building would not be appreciated in the same positive way if this proposal were allowed. In this case, and should it be the case that there is a lawfully established position relating to the provision of paper and paste billboard on the side of the building, I find that an opportunity has been missed to provide an advertisement that is, overall, proportionate in scale and width and hence sensitive to the overall significance of non-designated heritage asset.

Amenity – living conditions of nearby residential properties

12. There are residential properties on the opposite side of the road and it is not disputed that there would be habitable rooms facing the proposed advertisement, albeit that they would mainly be at an oblique angle. I do have some concern that without some additional controls in place there would be

some disturbance to residents during hours of darkness owing to the size of the screen, its illumination and as a consequence of changing digital images.

13. I am satisfied that it would be possible to ensure that the degree of brightness was controlled to such an extent that it did not cause material harm to residents. I acknowledge the appellant's suggestion that I could impose a condition that required the advertisement to be switched off between the hours of 12am and 5am. I find that this would be necessary as changing digital images, even with light levels reduced, would be likely to be noticeable to residents and hence lead to disturbance at a time when they would expect a degree of tranquillity. Furthermore, limiting lighting levels to 100cd/m² (as distinct from the suggested 300cd/m²) during night-time hours, as agreed by the appellant, would minimise disturbance to residents to an acceptable degree.

Conclusion

14. For the above reasons, I conclude that in design terms the proposal would cause harm to the character and appearance of the area and to the non-designated heritage asset. In this respect, unacceptable harm would be caused to the amenity of the area failing to accord with paragraphs 136 and 203 of the National Planning Policy Framework 2022.
15. While it would be possible, subject to the imposition of conditions, to ensure that the proposal was acceptable in terms of its impact on the amenity of the occupiers Nos 4, 4A, 6, 7, 8 and 9 Clayton Terrace from a light pollution and disturbance point of view, this would not alter or outweigh the other harm that I have identified above.
16. In reaching my overall conclusion above, I have taken into account the benefits that have been identified by the appellant, including those listed on page 1 of the accompanying planning statement dated 13 October 2021. However, these are not of sufficient weight or magnitude to justify allowing the appeal. Therefore, the appeal should be dismissed.

D Hartley

INSPECTOR